

HB 2535 - S AMD 149

By Senators Padden, Hargrove, Harper

ADOPTED 02/29/2012

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that juvenile gang
4 activity in Washington state poses a significant threat to communities
5 and to the positive development of juveniles as they mature into
6 adulthood. Thus, a strategic and collaborative approach is needed to
7 address the problem of juvenile gangs. Many juveniles who become
8 involved in gang activity have been exposed to risk factors such as
9 antisocial behavior, alcohol and drug use, mental health problems, and
10 victimization. Evidence-based and research-based gang intervention
11 programs and strategies can provide services to these youth such as
12 mental health counseling, education, chemical dependency treatment, and
13 skill building. The legislature further finds that a court
14 specifically developed to facilitate the delivery of these critical
15 services to gang-involved juveniles and that provides a supportive team
16 will assist juveniles in breaking out of a cycle of gang activity,
17 reduce criminal activity, and increase their ability to develop into
18 successful adults.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.40 RCW
20 to read as follows:

21 (1) Counties may establish and operate juvenile gang courts.

22 (2) For the purposes of this section, "juvenile gang court" means
23 a court that has special calendars or dockets designed to achieve a
24 reduction in gang-related offenses among juvenile offenders by
25 increasing their likelihood for successful rehabilitation through
26 early, continuous, and judicially supervised and integrated
27 evidence-based services proven to reduce juvenile recidivism and gang
28 involvement or through the use of research-based or promising practices

1 identified by the Washington state partnership council on juvenile
2 justice.

3 (3) Any county that establishes a juvenile gang court pursuant to
4 this section shall establish minimum requirements for the participation
5 of offenders in the program. The juvenile gang court may adopt local
6 requirements that are more stringent than the minimum. The minimum
7 requirements are:

8 (a) The juvenile offender participates in gang activity, is
9 repeatedly in the company of known gang members, or openly admits that
10 he or she has been admitted to a gang;

11 (b) The juvenile offender has not previously been convicted of a
12 serious violent offense or sex offense as defined in RCW 9.94A.030; and

13 (c) The juvenile offender is not currently charged with an offense:

14 (i) That is a class A felony offense;

15 (ii) That is a sex offense;

16 (iii) During which the juvenile offender intentionally discharged,
17 threatened to discharge, or attempted to discharge a firearm in
18 furtherance of the offense;

19 (iv) That subjects the juvenile offender to adult court original
20 jurisdiction pursuant to RCW 13.04.030(1)(e)(v); or

21 (v) That constitutes assault of a child in the second degree.

22 (4) The court, the prosecutor, and the juvenile must agree to the
23 juvenile's admission to a gang court created under this section.

24 (5) For the purposes of this act, a "gang" means a group which
25 consists of three or more persons; has identifiable leadership; and on
26 an ongoing basis, regularly conspires and acts in concert mainly for
27 criminal purposes.

28 (6) The juvenile offender who is admitted to juvenile gang court
29 must:

30 (a) Stipulate to the admissibility of the facts contained in the
31 written police report;

32 (b) Acknowledge that the report will be entered and used to support
33 a finding of guilt and to impose a disposition if the juvenile fails to
34 comply with the requirements of the juvenile gang court; and

35 (c) Waive the following rights to: (i) A speedy disposition; and
36 (ii) call and confront witnesses.

37 (7) The adjudicatory hearing shall be limited to a reading of the
38 court's record.

1 (8) Following the stipulation to the facts in the police report,
2 acknowledgment, waiver, and entry of a finding or plea of guilt, the
3 court shall defer entry of an order of disposition of the juvenile.

4 (9) Upon admission to juvenile gang court, an individualized plan
5 shall be developed for the juvenile, identifying goals for the juvenile
6 and a team to support the juvenile, which may include mental health and
7 chemical dependency treatment providers, a probation officer, teachers,
8 defense counsel, the prosecuting attorney, law enforcement, guardians
9 or family members, and other participants deemed appropriate by the
10 court. The individualized plan shall include a requirement that the
11 juvenile remain in the gang court program for at least twelve months.
12 At least one member of the support team must have daily contact with
13 the juvenile.

14 (10) Upon successful completion of the juvenile gang court
15 requirements, the conviction entered by the court shall be vacated and
16 the charge shall be dismissed with prejudice.

17 (11) A juvenile may only be admitted to juvenile gang court once.
18 If the juvenile fails to complete the requirements of gang court after
19 being admitted, or successfully completes the requirements of gang
20 court after being admitted, the juvenile may not be admitted again.

21 (12) If the juvenile fails to complete the juvenile gang court
22 requirements, the court shall enter an order of disposition pursuant to
23 RCW 13.40.0357.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.40 RCW
25 to read as follows:

26 (1) Counties that create a juvenile gang court pursuant to section
27 2 of this act shall track and document data regarding the criteria that
28 led to a juvenile's admission to gang court, the successful and
29 unsuccessful completion of juvenile gang court requirements, and any
30 subsequent criminal charges of juvenile gang court participants and
31 provide such data to the administrative office of the courts.

32 (2) Subject to the availability of funds appropriated for this
33 purpose, the administrative office of the courts shall study the data
34 provided by the counties pursuant to subsection (1) of this section and
35 report to the appropriate legislative committees regarding the
36 recidivism outcomes for juvenile gang court participants. A

1 preliminary report shall be completed by December 1, 2013. A final
2 report shall be completed by December 1, 2015."

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3 On page 1, line 1 of the title, after "court;" strike the remainder
4 of the title and insert "adding new sections to chapter 13.40 RCW; and
5 creating a new section."

EFFECT: Requires the court, the prosecutor, and the juvenile to agree to the juvenile's admission to a gang court. Requires that juveniles admitted to the gang court program remain in the program for 12 months. Clarifies that a juvenile can participate in a gang court program only once even if a previous admission to the gang court was successful. Adds to the list of reasons why a juvenile would not qualify for the gang court program that the juvenile not be charged with an offense that constitutes assault of a child in the second degree.

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